

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/11-01/11 OA 2

Date: 1 October 2012

THE APPEALS CHAMBER

Before:

**Judge Anita Ušacka, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Akua Kuenyehia
Judge Erkki Kourula**

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

Public document

Decision on Observations submitted by the Republic of Côte d'Ivoire



Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence
Emmanuel Altit
Agathe Bahi Baroan

The Office of Public Counsel for Victims
Paolina Massidda

Representatives of Côte d'Ivoire

REGISTRY

Registrar
Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Gbagbo against the decision of Pre-Trial Chamber I, entitled “Decision on the ‘Corrigendum of the challenge to the jurisdiction of the International Criminal Court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the Defence for President Gbagbo (ICC-02/11-01/11-129)’” of 15 August 2012 (ICC-02/11-01/11-212),

Noting its “Directions on the submissions of observations” of 31 August 2012 (ICC-02/11-01/11-236),

Having before it the “Observations de la République de Côte d’Ivoire sur le document à l’appui de l’appel de la ‘Decision on “Corrigendum of the challenge to the jurisdiction of the international criminal court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the defence for President Gbagbo’”” (ICC-02/11-01/11-250 (OA 2)), and the “Transmission du Greffe d’un document reçu le 28 septembre 2012 à 15h35 de Mme Karine Wetzel, Conseillère Représentante de Côte d’Ivoire auprès de la Cour pénale internationale” dated 28 September 2012 (ICC-02/11-01/11-253), containing in its Annex 1 “Observations de l’Etat de Côte d’Ivoire relatives au « Document à l’appui de l’appel de la « Decision on the “Corrigendum of the challenge to the jurisdiction of the international criminal court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the defence for President Gbagbo” »”, dated 28 September 2012 (ICC-02/11-01/11-253-Anx1) both documents filed on behalf of Côte d’Ivoire and both exceeding the page limit laid down in regulation 37 (1) of the Regulations of the Court,

Hereby *renders* the following

DECISION

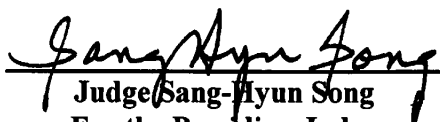
- 1) The “Observations de la République de Côte d’Ivoire sur le document à l’appui de l’appel de la ‘Decision on “Corrigendum of the challenge to the jurisdiction of the international criminal court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the defence for President Gbagbo’”” and the “Observations de l’Etat de Côte d’Ivoire

relatives au « Document à l'appui de l'appel de la « Decision on the "Corrigendum of the challenge to the jurisdiction of the international criminal court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the defence for President Gbagbo" »" and the Annexes to these documents are disregarded.

- 2) The Republic of Côte d'Ivoire may submit observations on the "Document à l'appui de l'appel de la « *Decision on the* "Corrigendum of the challenge to the jurisdiction of the International Criminal Court on the basis of articles 12(3), 19(2), 21(3), 55 and 59 of the Rome Statute filed by the Defence for President Gbagbo" » (ICC02/11-01/11-212)" (ICC-02/11-01/11-240) by Monday, 8 October 2012, 16h00. These observations must comply with regulations 37 (1) and 23 (3) of the Regulations of the Court and must clarify who is representing the Republic of Côte d'Ivoire in this appeal.
- 3) The time limit for the filing of responses by Mr Gbagbo and the Prosecutor pursuant to operative paragraph 3 of the "Directions on the submissions of observations" of 31 August 2012 is extended to Friday, 19 October 2012, 16h00.

Reasons for the present decision will be given in the judgment on the present appeal.

Done in both English and French, the English version being authoritative.


 Judge Sang-Hyun Song
 For the Presiding Judge

Dated this 1st day of October 2012

At The Hague, The Netherlands